THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6419 OF 2007

DATED: 30-03-2007

BETWEEN

Sri. Madana Yadagiri,
S/o. Kistaiah, Occ: Pensioner,
R/o. H.No.16-5-245
Under Bridge,
Warangal Town,
Warangal District.

...PETITIONER

AND

The Government of India,
Rep. by its Dy. Secretary,
Ministry of Home Affairs,
Freedom Fighter's Division (HC)
Lok Nayak Bhavan, Khan Market,
New Delhi and another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that the petitioner is a freedom fighter, who participated in Hyderabad Liberation Movement in the year 1947-48, as such he made an application to the respondents to sanction Swatantrata Sainik Samman Pension Scheme, 1980. Accordingly, the respondents' sanctioned pension to the petitioner to vide proceedings No.112/2321/85-FF dated 29.09.1989 and the petitioner is withdrawing the pension regularly. While so, the second respondent issued impugned show cause notice vide Letter No.112/5647/97-FF (HC) dated 21.02.2007 suspending the pension of the petitioner alleging that one Smt. K. Premaleela proposed by the petitioner was given the aforesaid pension on the affidavit

given by the petitioner stating that she participated in the Hyderabad Liberation Movement but on a preliminary enquiry it was revealed that the age of the said Premaleela was 47 years as on 01.01.1993 as such she could have been just one year old at the time of the aforesaid movement and she could not have participated in the aforesaid movement.

2. The impugned show cause notice has been issued in view of the unconditional undertaking given by the petitioner in his affidavit that if any information given by him was subsequently found to be wrong or false the Central Government will be authorized to cancel his pension and that he will be liable to refund the entire amount of pension already drawn. The impugned show cause notice has been issued to the petitioner to show cause as to why action shall not be taken against him. It is stated that the petitioner filed a representation dated 15.03.2007 before the respondents but no action has been taken on the said representation.

3. As the impugned notice is only a show cause notice and as the petitioner has already made a representation dated 15.03.2007,
the respondents are directed to consider the same and dispose the proceedings initiated against the petitioner as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

March 30, 2007
Note: Furnish C.C. of the order in three days.
(**B/o**)
DSK